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10/521,652	01/14/2005	Jonathon Reo Campian	5772-000004/US/NP	2215
27572 7590 08/24/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER SELLS, JAMES D	
			ART UNIT 1791	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicant argues the examiner has incorrectly focused on how the forming tools are moved instead of the claimed structure of the lower nest. The examiner does not agree. Applicant's claims recite "to enable unobstructed lateral movement of a forming tool from the material-contacting area across the boundary". Such language imparts structure to the claims in so far as apparatus must be capable of performing such a function. However, applicant' has not shown where in the specification support for such a function may be found. Therefore the examiner's rejection of claims 49-51 under 35 U.S.C. 112, first paragraph, is believed to be proper in this instance.

Applicant argues the structure of the crowders (as recited in claim 5 and claims 6 and 17 as originally filed) should enable unobstructed movement of the forming tool. The examiner acknowledges that the crowders are mentioned in applicant's claims. However, the examiner does not agree with applicant's conclusion. There is nothing in applicant's specification that relates the structure of the crowders to movement of the forming tool. Therefore applicant's argument is not persuasive in this instance.

Applicant argues Fig. 2 clearly shows "a lower nest [200] including ...[an] upper surface [206] having a generally flat material-contacting area extending to a boundary of the upper surface to enable unobstructed lateral movement of the forming tool [400,402] from the material-contacting area across the boundary...". The examiner does not agree. Only small portions of the forming tools 400 and 402 are shown in Fig. 2. Also, the relative movement of such forming tools into and out of engagement with the materials is also not shows. Therefore applicant's argument is not persuasive.

Applicant argues Veale does not disclose "an interior region of said first side engag[ing] a pad such that a sealed elongated channel is formed between said pad and said first metal panel adjacent a portion of said material-contacting area; [and] ... evacuating said sealed elongated channel to immobilize said first metal panel on said frame ". The examiner does not agree. Veale discloses a vacuum table in which vacuum channels 12 are covered with material 17. See col. 4, lines 13-30 and Figs. 3, 4A and 4B of Veale.

Applicant argues the combination of Sawa in view of Veale as proposed by the examiner would not be operable. However, this appears to me a mere assertion by applicant that is not supported by any evidence on the record and the examiner does not agree. The court has found that those skilled in the art, having been taught the desirability of a certain modification, would recognize that other modifications were needed to accommodate that modification, and that those skilled in the art would construct such means. In re Bode et al., 193 USPW 12 (CCPA 1977). Therefore the applicant is believed to be incorrect in this instance.

Applicant argues the applied references do not show "a pad such that a sealed elongated channel is formed between the pad and the first sheet metal panel...;" and "evacuating said sealed channel to immobilize said first metal panel on said frame..." The specification describes the pad as an elastic or semi-elastic polymerized material suitable to provide a substantially air-tight seal with respect to the first sheet material and to provide a cushioned surface support for carefully supporting the first sheet material. The examiner does not agree. First, applicant's claim language does not

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invoke 112, 6th paragraph for means plus function. Second, the top portions of raised panels 13 described by and shown in Figs. 3, 4A and 4B of Veale and function as applicant's claimed pads. There is nothing in applicant's claims that requires such a pad be an elastic or semi-elastic polymerized material suitable to provide a substantially air-tight seal with respect to the first sheet material and to provide a cushioned surface support for carefully supporting the first sheet material. Therefore applicant's argument is believed to be incorrect in this instance.

/James Sells/
Primary Examiner, Art Unit 1791